STATE OF VERMONT
PUBLIC SERVICE BOARD

CPG #NMP-6045

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| Application of Westman GLC Solar, LLC for a | ) |
| certificate of public good, pursuant to 30 V.S.A. | ) |
| §§ 219a and 248 and Board Rule 5.100, for a | ) |
| 500 kW group net-metered photovoltaic electric | ) |
| generation facility in Cambridge, Vermont | ) |

CPG #NMP-6046

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| Application of Cambridge GLC Solar, LLC for a | ) |
| certificate of public good, pursuant to 30 V.S.A. | ) |
| §§ 219a and 248 and Board Rule 5.100, for a | ) |
| 500 kW group net-metered photovoltaic electric | ) |
| generation facility in Cambridge, Vermont | ) |

Order entered: 11/10/2015

# PROCEDURAL ORDER RE: CONSOLIDATED HEARING ON SIGNIFICANT ISSUES

## I. INTRODUCTION

These cases involve two petitions ("Petitions") filed respectively by Westman GLC Solar, LLC ("Westman") and Cambridge GLC Solar, LLC ("Cambridge") (collectively, the "Petitioners") with the Vermont Public Service Board ("Board") for certificates of public good ("CPGs"), pursuant to 30 V.S.A. §§ 219a and 248 and Board Rule 5.100. Each petition requests approval of a 500 kW group net-metered solar electric generation facility in Cambridge, Vermont (collectively, the proposed "Projects," individually, the "Westman Project" and the "Cambridge Project").

In today's Order, we conclude that the Projects raise a significant issue with respect to the aesthetics criterion of 30 V.S.A. §248(b)(5), and, therefore, we will schedule a consolidated technical hearing on this issue. Additionally, we determine that the Projects do not constitute a

single facility and that the Petitions substantially comply with the applicable filing requirements under Board Rule 5.100.

## II. PROCEDURAL HISTORY

On April 16, 2015, the Petitioners each filed a Petition with the Board seeking approval of group net-metered facilities.

On May 7, 2015, the Vermont Department of Public Service ("Department" or "DPS") filed separate comments on each Project ("DPS Comments").

Also on May 7, 2015, on behalf of Vermont Electric Cooperative, Inc. ("VEC"), Joslyn Wilschek, Esq., of Primmer Piper Eggleston & Cramer PC, filed notices of appearance, motions to intervene, and comments for both Projects ("VEC Comments").

On May 11, 2015, the Board sought a response from the Petitioners to the comments filed by the DPS and VEC.

On May 12, 2015, the Vermont Agency of Natural Resources ("ANR") filed comments on the Cambridge Project, and on May 13, 2015, ANR filed comments on the Westman Project (collectively, ANR's two sets of comments are referred to as "ANR Comments").

On May 14, 2015, the Board sought a response from Cambridge to ANR's comments on the Cambridge Project.

On May 15, 2015, the Board sought a response from Westman to ANR's comments on the Westman Project.

On May 26, 2015, William G. Wilber, a landowner with property near the Cambridge Project, filed comments and a motion to intervene in the review of CPG #NMP-6046.

On May 28, 2015, the Petitioners jointly filed a request for more time in which to file responses to the comments on both Projects.

By Orders entered on June 15, 2015, the Board set a filing deadline of June 29, 2015, for the Petitioners to file responses.

On June 17, 2015, Roxanne R. Martin, a landowner with property near both Projects, filed comments and a motion to intervene in the review of CPG #NMP-6045 and CPG #NMP-6046.

Also on June 17, 2015, the Department filed a letter stating that it had no objection to the intervention motions filed by VEC in either docket.

On June 29, 2015, the Petitioners filed responses to the comments submitted in both dockets.

On July 17, 2015, the Petitioners filed letters with the Board retracting a portion of the Responses filed on June 29, 2015.

No other comments were filed with the Board.

## III. MOTIONS TO INTERVENE

VEC Motions

VEC filed motions to intervene on May 7, 2015, in the review of CPG #NMP-6045 and CPG #NMP-6046. VEC alleges that the Westman and Cambridge Projects are a single facility, the combined capacity of which would exceed the capacity limit allowed for net-metered projects on VEC's system. VEC further alleges that, if approved, the Projects would fill up VEC's net metering capacity for 2015. Accordingly, VEC argues that it has a substantial interest in the outcome of the proceeding that VEC alone can protect. In the absence of any objections, the Board finds that VEC has set forth a substantial interest that may be affected by the outcome of the proceeding that is sufficient for permissive intervention under Rule 2.209(B). Consistent with Rule 2.209(C), VEC's participation is restricted to only those issues in which it has demonstrated an interest, which in this case is the single-facility issue.

Wilber Motion

Mr. Wilber filed a motion to intervene on May 26, 2015, in the review of CPG #NMP-6046. Mr. Wilber raises questions about the aesthetic effect of the Cambridge Project. In the absence of any objections, the Board finds that Mr. Wilber has set forth a substantial interest that may be affected by the outcome of Docket CPG #NMP-6046 that is sufficient for permissive intervention under Rule 2.209(B). Consistent with Rule 2.209(C), Mr. Wilber's participation is restricted to only those issues in which he has demonstrated an interest, which in this case is the aesthetics criterion of 30 V.S.A. § 248(b)(5).

Martin Motion

On June 17, 2015, Ms. Martin filed a motion to intervene in the review of both proceedings. Ms. Martin commented on the Projects' potential negative aesthetic effects on the region. In the absence of any objections, the Board finds that Ms. Martin has set forth a substantial interest that may be affected by the outcome of these proceedings that is sufficient for permissive intervention under Rule 2.209(B). Consistent with Rule 2.209(C), Ms. Martin's participation is restricted to only the issue in which she has demonstrated an interest, which in this instance is the aesthetics criterion of 30 V.S.A. § 248(b)(5).

## IV. SUMMARY OF COMMENTS

Department Comments

The Department raises several concerns about the two Projects: (1) the eligibility of the Projects for treatment as net-metered facilities, (2) the format of the Petitions, (3) the orderly development of the region, and (4) the aesthetic effects of the Projects.

*Eligibility for Net Metering - Single Facility Issue*

The Department argues that the Projects should be considered as a single facility, ineligible for treatment under the net metering rules because the Projects' combined capacity will exceed the 500 kW capacity limit for a single net metering facility.

30 V.S.A. § 219a(a)(4) defines "facility" as:

> a structure or piece of equipment and associated machinery and fixtures that generates electricity. A group of structures or pieces of equipment shall be considered one facility if it uses the same fuel source and infrastructure and is located in close proximity. Common ownership shall be relevant but not sufficient to determine that such a group constitutes a facility.

The Department asserts that the Projects will be a single facility because both would use the same fuel source, share common infrastructure, be located on the same parcel of land, be on the same distribution circuit, be in close proximity to one another, and be managed and controlled by Green Lantern Capital.[1] The Department claims that the single Westman/ Cambridge facility will have a capacity of 1 MW, which would exceed the allowable capacity for

1. DPS Comments at 2.

a net-metered facility, pursuant to 30 V.S.A. § 219a(a)(6)(A).[2] The Department asks the Board to require the Petitioners to file testimony addressing the single-facility issue.

*Adequacy of Petitions as Filed*

The Department states that the Petitions as filed are not supported by prefiled testimony but, instead, consist only of applications, exhibits, and affidavits. The Department contends that this format makes it difficult to review the Petitions and that Board Rule 5.110(C) does not allow a Petition to be supported only by an affidavit.[3] The Department did not ask for any specific remedy to cure the alleged defects of the Petitions.

*Orderly Development of the Region*

The Department also commented that the Petitioners had not filed a sufficient analysis under 30 V.S.A. § 248(b)(1)(orderly development) and asked the Petitioners to file additional analysis under that criterion.

*Aesthetic Effects*

The Department disagrees with the Petitioners' assessment that the Projects will not have undue adverse effects on the aesthetics of the area. First, the Department disagrees with the Petitioners' claim that the Projects would have minimal visual impacts, as they would be visible for 3,000 feet along Upper Pleasant Valley Road, for 1,500 feet along Lower Pleasant Valley Road, and for 600 feet along Irish Settlement Road. Next, the Department objects to the Petitioners' claim that two 500 kW solar projects will not be dominant or highly noticeable elements in a landscape that is otherwise characterized as rural and agricultural. Finally, the Department objects to the aesthetics reports because they do not take into account the Projects' combined or cumulative aesthetic impacts.[4]

2. DPS Comments at 3.
3. *Id*. at 4.
4. *Id*. at 5.

The Department asks the Board to require the Petitioners to submit a vegetation management plan that would mitigate the aesthetic effects of the Projects and to require the Petitioners to submit testimony addressing the cumulative impacts of the Projects.[5]

VEC Comments

VEC argues that the Projects will constitute a single 1 MW project, which would exceed the 500 kW capacity limit for a net-metered facility. VEC asserts that the Projects will be located on land owned by the same person, share the same discreet portion of road, interconnect within three spans of one another, and be owned by Green Lantern Capital.[6] Therefore, VEC asks the Board to deny both Petitions.

ANR Comments

ANR notes that there are several errors in the materials submitted for both Projects that, when compounded with the lack of testimony, make the review of the Petitions more difficult. ANR also asserts that the Petitions as filed do not comply with the Board's rules. The Petitions consist only of an application with accompanying affidavits. In ANR's opinion, Board Rule 5.110(C) does not allow for an application to be supported by affidavits alone but requires testimony, too.[7]

Wilber Comments

Mr. Wilber contends that the Project would have a negative aesthetic effect upon the area of Pleasant Valley. In particular, as an adjoining property owner, Mr. Wilber is concerned that the border of his property with the Cambridge site consists of only a drainage ditch with some sparse grass. Mr. Wilber questions the adequacy of such screening for the Project.

Martin Comments

Ms. Martin asserts that maintaining the aesthetic quality of Pleasant Valley, in which the Projects are proposed to be located, is important to state and local tourism and that introducing

5. DPS Comments at 5.
6. VEC Comments, Legal Memorandum at 1-2.
7. ANR Comments at 1.

two 500 kW solar projects into the picturesque, quintessentially rural Vermont landscape of Pleasant Valley will represent a dramatic change to the area.

Petitioners' Responses

The Petitioners filed responses (the "Responses") to the comments of the Department, ANR, Mr. Wilber, and VEC but not to those of Ms. Martin.

*Eligibility for Net Metering - Single Facility Issue*

The Petitioners disagree that the Projects will constitute a single facility for purposes of 30 V.S.A. § 219a(a)(4). Citing Docket 8110,[8] the Petitioners point out that the Board uses a fact-specific analysis to deter the filing of applications that would circumvent the statutory limits for net metering facilities. The Petitioners maintain that, under this analysis, the Projects are not a single facility because they will not share infrastructure, will not be located in close proximity to one another, and will not be under common ownership.[9]

The Petitioners first argue that the Projects will not share infrastructure. The Petitioners note that the term "infrastructure" is not defined in 30 V.S.A. §§ 248 or 219a but that this term is used in 30 V.S.A. § 8002(12)[10] and was analyzed by the Vermont Supreme Court in a recent case regarding the standard-offer program.[11] According to the Petitioners, the appropriate criteria include whether projects use common equipment and infrastructure, such as roads, control facilities, and connections to the electric grid. Using these criteria, the Petitioners argue, would result in a determination that the Projects will not share infrastructure.[12]

The Petitioners reject the argument that the Projects share common infrastructure because they are both connected to the same distribution line. The Petitioners state that the interconnection points are "751 feet apart (CAMB-8), electrically distinct and independent, and

8. *Petition of National Life Insurance for a certificate of public good, pursuant to 30 V.S.A. § 248(j), authorizing the installation of a net-metered solar electric generation facility in Montpelier, Vermont*, Docket No. 8110, entered 10/28/13 ("*National Life*").

9. Responses at 2.

10. Subsequent to the Supreme Court's decision in *National Life*, the appropriate statutory citation is now 30 V.S.A. § 8002(14).

11. *See*, *In re Programmatic Changes to the Standard-Offer Program*, 196 Vt. 175 (2014).

12. Responses at 3-4.

therefore should not be considered to be reliant on the same infrastructure despite the fact that they are on the same distribution circuit."[13]

Next, the Petitioners reject the claim by the Department and VEC that the Projects will be in close proximity to one another. The Petitioners argue that the Projects will be 873 feet apart at the nearest fence lines, 901 feet apart at the nearest solar panels, and on opposite sides of Westman Road.[14] The Petitioners also point out that, although the Projects both would be located on Westman Road, they would be down the road from one another, with separate access drives 715 feet apart.[15]

Finally, the Petitioners object to the assertions that the Projects share common ownership. The Petitioners state that the Projects are owned by separate corporate entities, have different members in their net metering groups, and should be considered to be distinct projects.[16]

*Adequacy of Petitioners' Filings*

The Petitioners respond to the DPS's and ANR's complaints about the adequacy of and accuracy of the Petitions. The Petitioners state that in CPG #NMP-5871, where the Department and ANR raised similar complaints about a petition's form, the Board did not find anything objectionable in the form. As to the alleged errors in the Petition, the Petitioners state that they have provided corrected copies of the materials in which there were errors.

*Orderly Development of the Region*

The Petitioners provided additional analysis as part of a filing they made with the Board on June 29, 2015. As of the date of this order, the Board has not received any further comments responding to the Petitioners' supplemental Section 248(b)(1) analysis or otherwise indicating that the Department has any concerns about the Projects' ability to satisfy this criterion. Therefore, we do not address the issue in today's order.

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13. Responses at 5.
14. *Id.* at 4.
15. *Id.* at 5.
16. *Id.* at 7.

*Aesthetics*

The Petitioners submitted supplemental testimony responding to the Department's critiques of the Projects' alleged aesthetic impacts. The Petitioners contend that the Department did not fully represent what the aesthetics reports actually said about the views of the Projects along Upper Pleasant Valley Road, Lower Pleasant Valley Road, and Irish Settlement Road. According to the Petitioners, after acknowledging that there would be views from these locations, the aesthetics reports emphasized that the views from these roads would be "heavily screened by intervening vegetation."[17]

Additionally, the Petitioners disagree with the Department's argument that the two 500 kW solar projects would be dominant or highly noticeable elements in a landscape that is otherwise characterized as rural and agricultural. The Petitioners maintain that the Projects are sited next to existing farm buildings, have low profiles, and will have limited visibility due to vegetative screening. As such, the Petitioners argue that the Projects will be aesthetically compatible with the area and not block views of the surrounding hillsides and mountains, such as Mount Mansfield.[18]

The Petitioners also reject the Department's objection that the aesthetics reports did not seem to take into account the cumulative impact of the Projects. The Petitioners argue that there will be a very limited ability to see the Projects at the same time because of the respective locations of the two Projects, the curve of Westman Road, and the intervening vegetation and farm structures.[19]

The Petitioners oppose the Department's request that the Board require the Petitioners to provide additional vegetative screening. The Petitioners contend that there are sufficient existing hedgerows surrounding the Projects so that additional screening is not needed. Given that the view from Westman Road is not a protected scenic resource, Westman Road is lightly traveled, and the Projects have low profiles, the Petitioners assert that additional screening is not necessary to protect the views of the surrounding hills and mountains.

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17. Exhibit West-4A at 1.
18. *Id.* at 1-2.
19. *Id.* at 1.

In regard to Mr. Wilber's aesthetics comments, Cambridge represents that subsequent to the filing of his motion to intervene, Mr. Wilber and Cambridge have agreed to a planting plan (Exhibit CAMB-4B) that satisfies Mr. Wilber's concerns.

## V. APPLICABLE LEGAL FRAMEWORK

Pursuant to 30 V.S.A. § 219a, the Legislature required the Board to develop a net metering program. This program is now embodied in Board Rule 5.100. The goals of the net metering statute are to encourage private investment in renewable energy resources, stimulate the economic growth of the state, and enhance the continued diversification of energy sources used in Vermont. The standards and requirements in Rule 5.100 have been determined by the Board to protect public safety and system reliability. Our review of these Projects has been guided by these considerations.

Accordingly, Rule 5.100 contains a conditional waiver of certain Section 248 criteria.[20] For purposes of the rule, "conditional waiver" means:

> that the requirements for the presentation of evidence under the criterion, a specific review of the project by the Board under the criterion, and the development of specific findings of facts for the criterion by the Board will be waived, unless any party, or the Board on its own motion, raises, and the Board finds that the application raises, a significant issue under the criterion.

The standards and procedures specifically applicable to petitions for net metering systems with capacities of more than 150 kW are contained in Board Rule 5.110(C). The Rule requires, among other things, that a petition contain a site plan, testimony and exhibits addressing the project's compliance with the various statutory criteria, and information about the petitioner. Pursuant to Board Rule 5.110(C), a petition is deemed incomplete when the Board finds that a petition "does not substantially comply with the petition requirements set forth herein."

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20. Board Rule 5.108. The criteria that are waived for the purposes of this case are:

. . .

1. All criteria under 30 V.S.A. § 248(b), with the exception of 30 V.S.A. §§ 248(b)(1) (orderly development), (3) (stability and reliability), (5) (environmental considerations), and (8) (outstanding resource waters).

2. With respect to 30 V.S.A. § 248(b)(5), all criteria and subcriteria, except for compliance with 10 V.SA. §§ 6086(a)1(A) (headwaters), 1(B) (waste disposal), 1(D) (floodways), 1(E) (streams), 1(F) (shorelines), 1(G) (wetlands), 4 (soil erosion), 5 (traffic; impacts during construction only), 8 (aesthetics, historic sites, natural areas), 8(A) (necessary wildlife habitat), and (9)(K) (public facilities).

In submitting a petition, notice must be provided to applicable state agencies, local government bodies, and adjoining landowners. Once a complete petition is filed, a 21-day comment period is provided. After the comment period runs, if the Board determines that the petition does not raise a significant issue with respect to the substantive criteria of Section 248, the Board may grant a CPG for the project without a hearing.

As part of the procedures described above, a person may file a request for an evidentiary hearing on a petition. A request for a hearing must be supported by a showing that the application raises a significant issue regarding one or more of the substantive criteria of Section 248. Such a showing must go beyond general or speculative claims and provide specific information regarding a project's potential impacts. If the Board is persuaded that the project raises a significant issue, the request for an evidentiary hearing will be granted.

## VI. THRESHOLD LEGAL ISSUES

The Department and ANR raise concerns about the adequacy of the Petitions, and the Department and VEC question whether the two Projects are a single facility.

Adequacy of the Petitions as Filed

After reviewing the filings we received, we find the Petitions to have complied with the filing requirements of Board Rule 5.100.

The DPS and ANR (the "Agencies") object to the Petitioners' failure to include testimony supporting the Petitions and their reliance on affidavits and exhibits, in lieu of testimony. The Agencies contend that petitions lacking testimony make it difficult to determine which witness sponsors which exhibits and which portions of the application. Finally, the Department argues that Board Rule 5.110(C) does not permit an application to be supported by an affidavit.

Board Rule 5.110(C) provides,

> The applicant shall ensure that the application filed includes testimony or exhibits fully addressing each of the areas listed below. Any witness sponsoring an exhibit or testimony must file a notarized affidavit stating that the information provided is accurate to the best of their knowledge and have personal knowledge of and be able to testify as to the validity of the information contained in the exhibit or testimony.

Nothing in the Rule prohibits filing either testimony *or* exhibits in support of a net metering application, as long as each exhibit is accompanied by an affidavit stating that the information provided is accurate to the best of the affiant's knowledge and that the affiant has personal knowledge of and is able to testify as to the validity of the information contained in the exhibit or testimony. Thus, we find that the Petitioner's filings comply with the requirements of Board Rule 5.100(C) as presently written.[21]

Single Facility Issue

After considering the filings we received, we find that the Projects will not constitute a single facility pursuant to 30 V.S.A. § 219a(a)(4) and Board Rule 5.102(G).

Section 219a(a)(6)(A) of Title 30 and Board Rule 5.102(L) define the term "net metering system" as, among other things, a facility of no more than 500 kW in capacity. The question of whether multiple net metering projects constitute a single facility is governed by 30 V.S.A. §219a(a)(4) and Board Rule 5.102(G), both of which provide that,

> "Facility" means a structure or piece of equipment and associated machinery and fixtures that generates electricity. A group of structures or pieces of equipment shall be considered one facility if it uses the same fuel source and infrastructure and is located in close proximity. Common ownership shall be relevant but not sufficient to determine that such a group constitutes a facility.

This definition provides that where a group of structures would (1) use the same fuel source, (2) share infrastructure, and (3) be in close proximity, they would form a single facility (the "three factors"). When determining whether a single facility exists, the Board may also consider common ownership, the existence of which is relevant to but not sufficient to determine that a group constitutes a facility.

The first of the three factors is fuel source, and we find that the Projects both would use the same fuel source — solar radiation.

The second factor involves shared infrastructure. We are not persuaded by the Department's and VEC's arguments that the Projects share infrastructure because they will connect to a common distribution circuit or because they will share the same discrete portion of a public road. Regarding the distribution circuit, we previously found that two projects that

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21. We would urge the Department and ANR to bring their concerns about the difficulties of screening net metering petitions to the present net metering rulemaking underway before the Board.

interconnect to a common distribution circuit share common infrastructure. However, in that instance the interconnection points were immediately adjacent to one another.[22] Here the interconnection points are not immediately adjacent to one another. Regarding the sharing of the public road, we are unpersuaded by VEC's arguments. The use of a public road by two projects is not a shared use of infrastructure for purposes of 30 V.S.A. §219a(a)(4) and Board Rule 5.102(G). In this case, while they will both use the same public road, the Projects are located at different points along the road and will use different access points from that road. Accordingly, under these circumstances, we find that the Projects do not share common infrastructure.

We next turn to the factor of proximity. VEC and the Department argue that the Projects, if constructed, would be located on the same parcel of land and in close proximity to one another. The Petitioners concede that the Projects would be located on the same parcel of land but argue that the Projects would be located on opposite sides of Westman Road, 901 feet apart at the nearest solar panels, and, therefore, would not be proximate.[23]

We are not persuaded that the Projects will be in close proximity to one another. As the Petitioners point out, the Projects will be 873 feet apart at the nearest fence lines and 901 feet apart at the nearest solar panels. Furthermore, the Projects will be on opposite sides of Westman Road and not directly across the road from one another. In these circumstances, we find the Projects will not be in "close proximity" within the meaning of Section 219a(a)(4) and Board Rule 5.102(G).

Finally, the Board may consider the common ownership of projects in determining whether a group constitutes a single facility. In this instance, where the Projects are owned by separate corporate entities and have different members in their net metering groups, we do not find there to be "common ownership" that would support the finding of a single facility.

Because we find that the Projects do not share common infrastructure, are not in close proximity, and are not commonly owned, we conclude that the Projects do not constitute a single facility for purposes of 30 V.S.A. §219a(a)(4) and Board Rule 5.102(G).

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22. *Application of the Lodge at Otter Creek Senior Living Center*, LLC, CPG #NM-5017, 12/8/14 at 4.
23. Responses at 4.

## VII. Significant Issue Requiring a Hearing

Aesthetics Criterion of 30 V.S.A. § 248(b)(5)

Having considered the parties' comments regarding the potential aesthetic impacts, we find that the Projects raise a significant issue that requires an evidentiary hearing during which additional testimony may be presented, subject to cross-examination, regarding the aesthetics criterion of 30 V.S.A. § 248(b)(5).

The Department contends that the Projects raise significant aesthetic issues because the Projects' visual impact will not be minimal but, rather, will be dominant or highly noticeable elements in a landscape that is otherwise characterized as rural and agricultural. The Department further asserts that the aesthetics reports do not appear to take into account the Projects' cumulative aesthetic impacts. Ms. Martin raises similar objections, arguing that building two 500 kW solar projects in Pleasant Valley will represent a dramatic change to the area.

The Petitioners reject these arguments, claiming that the Projects will not be dominant or highly noticeable elements in the landscape, that the Projects are suitably screened, and that the aesthetics reports take into consideration the cumulative impacts of the Projects.

When read together, the parties' comments raise four factual issues that must be resolved: (1) the characteristics of the views of the Projects along Westman Road, Upper Pleasant Valley Road, Lower Pleasant Valley Road, and Irish Settlement Road; (2) whether two 500 kW solar projects will be dominant or highly noticeable elements in a landscape that is otherwise characterized as rural and agricultural; (3) whether the Petitioners' consultant considered the cumulative effect on aesthetics of the two Projects taken together; and (4) whether vegetative screening can successfully mitigate any adverse effects.

The parties have provided conflicting information about these factual issues such that, at this time, without additional information and further process, it is not possible for the Board to make a finding under the aesthetics criterion. Accordingly, we find that a significant issue exists regarding the aesthetics criterion of 30 V.S.A. § 248(b)(5). Therefore, we will hold a prehearing conference at a date to be determined after consultation with the parties, the purpose of which will be to set a schedule for further proceedings, including a technical hearing, to develop a factual record on the aesthetics criterion of 30 V.S.A. § 248(b)(5).

## VIII. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that:

1. Vermont Electric Cooperative, Inc's. motions to intervene are granted.

2. Roxanne R. Martin's motion to intervene is granted.

3. William G. Wilber's motion to intervene is granted.

4. The Westman Project and the Cambridge Project do not constitute a single facility for purposes of 30 V.S.A. § 219a(a)(4) and Board Rule 5.102(G).

5. The parties to these two proceedings may present evidence addressing the aesthetics criterion of 30 V.S.A. § 248(b)(5) at a joint technical hearing to be convened before a Hearing Officer appointed by the Board.

Dated at Montpelier, Vermont, this 10th day of November, 2015.

s/ James Volz )
)
) PUBLIC SERVICE
)
s/ Margaret Cheney ) BOARD
)
) OF VERMONT
s/ Sarah Hofmann )

OFFICE OF THE CLERK

FILED: November 10, 2015

ATTEST: s/ Susan M. Hudson
Clerk of the Board

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@vermont.gov)*